

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-155

KEENAN J. DENRUYTER,

Defendant.

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**ORDER DENYING MOTION TO DISMISS CHARGE OF  
POSSESSION OF FIREARM BY FELON**

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On August 22, 2023, a grand jury sitting in Milwaukee issued an Indictment charging Defendant Keenan J. Denruyter with two counts of distribution of fentanyl, one count each of possession with intent to distribute fentanyl and cocaine, possession of a firearm in furtherance of a drug trafficking offense, and possession of a firearm and ammunition by a felon. Dkt. No. 1. On September 7, 2023, Denruyter filed a motion to dismiss Count Five of the Indictment, the charge of possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Dkt. No. 7. Denruyter contends that § 922(g)(1) is unconstitutional under the “text and tradition” approach for construing the Second Amendment adopted by the Court in *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022).

Consistent with the practice in this district, Denruyter’s motion was addressed by the Magistrate Judge assigned to the case. On October 17, 2023, Magistrate Judge Nancy Joseph issued a thorough Report and Recommendation that Denruyter’s motion to dismiss the firearms charge be denied. Denruyter filed a timely objection to Magistrate Judge Joseph’s Report and Recommendation, the Government filed a response, and the time to reply has expired. For the

reasons set forth in Magistrate Judge Joseph's Report and Recommendation and those set forth in my own decision in *United States v. Watson*, No. 23-CR-109, 2023 WL 6623774 (E.D. Wis. October 11, 2023), I hereby adopt Magistrate Judge Joseph's Report and Recommendation and order that Denruyter's Motion to Dismiss what is now Count Six of the Superseding Indictment on Second Amendment Grounds (Dkt. No. 7) be **DENIED**.

**SO ORDERED** at Green Bay, Wisconsin this 21st day of November, 2023.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge